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THE ADEN PROTECTORATE

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LAWS

OF THE

ADEN PROTECTORATE.

PRICE Rs. 5/- or 7s. 6d.

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ADEN

PRINTED BY COWASJEE DINSHAW & BROS. AND PUBLISHED BY THE GOVERNMENT OF THE COLONY OF ADEN

1939

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NOTE.

671 The Indian (Foreign Jurisdiction) Order in Council, 1902, is reproduced for reference as regards interpretation of the rules and orders made by the Governor General of India in Council under it.

It should be borne in mind that all the Indian legislation in force in the Aden Protectorate before the 1st of April 1937, must be construed subject to the provisions (especially sub-section (1) of section 7) of the Aden Protectorate Order, 1937, with which the collection begins.

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LEGISLATION IN FORCE IN THE ADEN PROTECTORATE.

I.—The Aden Protectorate Order, 1937, and Orders made thereunder, 1937, No. 246.

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At the Court at Buckingham Palace, the 18th day of March, 1937.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within the territories known as the Protectorate of Aden:

And whereas it is expedient to make provision for the peace, order, and good government of the Protectorate of Aden:

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

53 & 54 Vict. c. 37.

1. This Order may be cited as the Aden Protectorate Order, 1937. Title.

2. This Order shall apply to the territories of Arabia which are bounded on the south by the Colony of Aden and the Gulf of Aden, on the west and north by the Kingdom of the Yemen and the Kingdom of Saudi Arabia, and on the east by the Sultanate of Oman, and also to the Islands of Socotra and Abdul Quri and any other islands adjacent to the said territories. Limits of the Order.

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Definitions.

3.—(1) In this Order, unless the context otherwise requires—

"His Majesty" includes His Majesty's heirs and successors;

"the Secretary of State" means one of His Majesty's Principal Secretaries of State;

"the Governor" includes every person for the time being administering the Government of the Colony of Aden;

"the Colony" means the Colony of Aden;

"the Protectorate" means the territories described in section 2 of this Order;

"the appointed day" means the first day of April nineteen hundred and thirty-seven;

"the Gazette" means the Gazette of the Protectorate;

"native of the Protectorate" means any person who is a member or either of whose parents is or was a member of a tribe or community indigenous to the Protectorate.

(2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Governor.

4. The Governor and Commander-in-Chief of the Colony shall be the Governor and Commander-in-Chief of the Protectorate, and he is hereby empowered and commanded to exercise on His Majesty's behalf all such powers and jurisdiction as His Majesty now has, or may from time to time have, therein, and to that end to take or cause to be taken all such measures and to do or cause to be done all such things therein as in the interest of His Majesty's service he may think expedient.

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Governor to observe instructions etc.

5. The Governor is hereby empowered and commanded to do all things that belong to his said office in accordance with such Commission as may be issued to him under His Majesty's Sign Manual and Signet, such Instructions as may from time to time be addressed to him under His Majesty's Sign Manual and Signet or through the Secretary of State, and such Orders in Council and other laws as may from time to time be in force in the Protectorate.

Powers of legislation reserved to the Crown.

6. His Majesty hereby reserves to Himself, His heirs and successors power, with the advice of His or their Privy Council, from time to time, to make laws for the peace, order and good government of the Protectorate.

Continuance of laws, and powers to make rules and orders.

7.—(1) Subject to the provisions of this Order, all Acts, Orders, Rules, Regulations and other enactments having the force of law in the Protectorate on the appointed day shall, except so far as the same shall, in their application to the Protectorate, thereafter be repealed, amended or otherwise affected by or under any subsequent order, rule or other law, continue to have effect in the Protectorate, but shall be construed subject to such modifications as may be necessary to bring them into conformity with the provisions of this Order and of the Aden Colony Order, 1936. (a)

(2) Without prejudice to any powers otherwise vested in him, the Governor is hereby empowered to make rules and orders for the following purposes:—

(a) to modify the provisions of any Order of His Majesty in Council in force in the Protectorate on the appointed day, in order to bring such provisions into conformity with the provisions of this Order and of the Aden Colony Order, 1936;

(b) to amend, add to, or repeal any other enactment to which subsection (1) of this section applies;

(c) to apply in whole or in part, with such modifications (if any) as to him may seem neces-

(a) S.R. & O. 1936 (No. 1681) I, p. 1.

sary or expedient, any Act, Order, Rule, Regulation or other enactment from time to time in force in the Colony, to persons in the Protectorate not being natives of the Protectorate;

(d) to regulate or prohibit the entry into the Protectorate of persons not being natives of the Protectorate; and

(e) to secure the enforcement within the Protectorate of judgments, orders and decrees of the Courts of the Colony.

(3) For the avoidance of doubts it is hereby declared that all Rules and Orders made before the appointed day by the Governor-General of India in Council under the Indian (Foreign Jurisdiction) Order in Council, 1902, have, in so far as at any time before the date of this Order they applied to the Protectorate and have not in such application been expressly repealed or revoked, continued in force in the Protectorate notwithstanding that the Protectorate has ceased to be a territory in which jurisdiction is exercised by or on behalf of His Majesty through the Governor-General of India in Council or some authority subordinate to him, and subsection (1) of this section shall apply accordingly to such Rules and Orders.

Disallowance of rules and orders.

8. It shall be lawful for His Majesty to disallow any rule or order made by the Governor in exercise of the powers conferred upon him by this Order or any other Order of His Majesty in Council and to signify such disallowance through the Secretary of State. Every rule or order so disallowed shall cease to have effect from the time when the signification of such disallowance shall be published by the Governor by notice in the Gazette, but without prejudice to anything lawfully done or suffered thereunder.

Jurisdiction of Courts of the Colony.

9. The Supreme Court of the Colony and all Courts of the Colony inferior to the Supreme Court shall, subject to and in accordance with the provisions of any law in that behalf from time to time in force in the Colony, have jurisdiction in all matters arising in the Protectorate in which any person not being a native of the Protectorate is

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concerned, in the same manner and to the same extent as if such matters had arisen in the Colony. 648 671x 692

Deputies.

10. In the event of the Governor having occasion at any time to be absent for a short period from the seat of Government, or in the exercise or discharge of any powers or duties conferred or imposed upon him by virtue of his office to visit any neighbouring territories, he may by an Instrument under the Public Seal appoint any person to be his Deputy within the Protectorate or any part thereof during such temporary absence, and in that capacity to exercise, perform and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor as shall in and by such Instrument be specified and limited, but no others. 648 671x

Every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance. The power and authority of the Governor shall not by the appointment of a Deputy as aforesaid be abridged, altered or in any way affected otherwise than His Majesty may at any time hereafter think proper to direct.

Appointment of Officers.

11. The Governor may constitute and appoint all such necessary officers as may be lawfully constituted or appointed by His Majesty, all of whom, unless otherwise provided by law, shall hold their offices during His Majesty's pleasure.

Pardon.

12. When any offence has been committed for which the offender may be tried by any of His Majesty's courts having jurisdiction within the Protectorate, the Governor may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender or of any one of such offenders if more than one; and further may grant to any offender convicted in any such court a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any penalties or forfeitures due to His Majesty. 648 671x 696

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Disciplinary powers. 13. The Governor may, subject to the provisions of any law for the time being in force in the Protectorate and to such instructions as may from time to time be given to him by His Majesty through the Secretary of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office under the Crown in the Protectorate, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Public Seal. 14. The Seal now or hereafter in use as the Public Seal of the Colony shall be also the Public Seal of the Protectorate and shall be used for sealing all things whatsoever that shall pass the said Seal.

Saving for past acts. 15. Nothing in this Order shall affect the validity or future operation of any lawful act done by any authority in the Protectorate before the appointed day.

Revocation or amendment of Order. 16. His Majesty may from time to time revoke, add to or amend this Order.

Commencement. 17. This Order shall come into operation on the appointed day.

H. P. A. Hamby.

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Legislative Order No. 1.

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I, Lieutenant-Colonel Morice Challoner Lake, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer administering the Government of the Protectorate of Aden, hereby order that the Mineral Mining Ordinance, 1937, of the Colony of Aden shall, subject to the modifications set out in this Order, apply to all persons in the Protectorate of Aden, not being natives of the Protectorate.

There shall be substituted for "Colony" in clause 3 the word "Protectorate".

Given under my hand this
third day of November 1937.

(Sgd.) M. C. LAKE,

Acting Governor.

[Page 12 is blank]

II.—Order in Council under "An Act for more effectually punishing offences relating to the Slave Traffic."

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No. **1664-P.**, dated the 13th July 1877.—The following Order of Her Majesty in Council is published for general information:—

At the Court at Windsor,

The 30th day of April, 1877.

Present:

The Queen's Most Excellent Majesty in Council.

Whereas by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-ninth and fortieth years of Her Majesty's reign, intituled "An Act for more effectually punishing offences against the laws relating to the Slave Trade," it is, amongst other things, enacted that—

30 & 40 Vict., cap 46.

If any person, being a subject of Her Majesty, or of any Prince or State in India in alliance with Her Majesty, shall, upon the High Seas or in any part of Asia or, Africa which Her Majesty may from time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in sections 367, 370 and 371 (in the schedule to this Act respectively recited) of Act XLV of 1860, passed by the Governor General of India in Council, and called "The Indian Penal Code," or abet, within the meaning of the fifth chapter of the said Penal Code, the commission of any such offence, such person shall be dealt with in respect of such offence or abetment as if the same had been committed in any place within British India in which he may be or may be found.

Now, therefore in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that the said Act shall apply to the several parts of Asia and Africa hereinafter specified; that is to say—

(a) The territories of the Khan of Kalat and of the Sultan of Muscat in Mekran and Arabia.

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(b) The coasts of Baluchistan, and of the Bunder Abbas Districts, and the shores of the Persian Gulf.

(c) The coast of Arabia from Ras Mussendom to Cape Babel-Mandeb.

(d) The territories of the following tribes near Aden, namely,—

The Abdali

The Foodli

The Akrabi

The Howshabi

The Alawi

The Amiri

The Subeihi

The Yafai

The Aulaki

(e) The coast of Africa from Ras Sejarme to Delagoa Bay.

(f) The territories of the Sultan of Zanzibar.

(g) The sea and islands within ten degrees of latitude from such coast and shores, respectively.

And the Right Honourable the Marquis of Salisbury and the Right Honourable the Earl of Derby and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

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III.—The Indian (Foreign Jurisdiction) Order in Council, 1902, and Orders made thereunder by the Governor General in Council.

No. **3917-1. A.**—dated the 12th September 1902.—The following Order of His Majesty the King in Council which appeared in the London Gazette of the 13th June 1902, is republished for general information. 671 X 648

ORDER IN COUNCIL.

Indian (Foreign Jurisdiction) Order in Council, 1902.

AT THE COURT AT BUCKINGHAM PALACE.

The 11th day of June 1902.

PRESENT:

The King's Most Excellent Majesty.

Lord President.

Earl of Kintore.

Lord Balfour of Burleigh.

Sir John Winfield Bonser.

Whereas by treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has powers and jurisdiction, exercised on His behalf by the Governor General of India in Council, in India and in certain territories adjacent thereto;

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:

1. This Order may be cited as the Indian (Foreign Jurisdiction) Order in Council, 1902.

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2. The limits of this Order are the territories of India outside British India, and any other territories which may be declared by His Majesty in Council to be territories in which jurisdiction is exercised by or on behalf of His Majesty through the Governor General of India in Council, or some authority subordinate to him, including the territorial waters of any such territories.

3. The Governor General of India in Council may, on His Majesty's behalf, exercise any power or jurisdiction which His Majesty or the Governor General of India in Council for the time being has within the limits of this Order and may delegate any such power or jurisdiction to any servant of the British Indian Government in such manner and to such extent as the Governor General in Council from time to time thinks fit.

4. The Governor General in Council may make such rules and orders as may seem expedient for carrying this Order into effect, and in particular—

(*a*) for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force elsewhere, or otherwise;

(*b*) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them;

(*c*) for determining the courts, authorities, judges, and magistrates, by whom, and for regulating the manner in which, any jurisdiction, auxiliary or incidental to or consequential on the jurisdiction exercised under this Order, is to be exercised in British India;

(*d*) for regulating the amount, collection, and application of fees.

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5. All appointments, delegations, certificates, requisitions, rules, notifications, processes, orders, and directions made or issued under or in pursuance of any enactment of the Indian Legislature regulating the exercise of foreign jurisdiction, are hereby confirmed, and shall have effect as if made or issued under this Order. 671 X 648

6. The Interpretation Act, 1889, shall apply to the construction of this Order.

A. W. FITZROY.

Delegation of powers to the Governor of Bombay in Council.

No. **2859-I. A.**—dated the 19th June 1903.—In exercise of the powers conferred by article 3 of the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to delegate to the Governor of Bombay in Council the power to make rules and orders within the places set forth in the Schedule hereto annexed, which is conferred on the Governor General in Council by article 4 of the said Order in Council:

Provided that the exercise of the power hereby delegated shall be subject to the control of the Governor General in Council;

Provided also, that nothing in this notification shall be deemed to preclude the Governor General in Council from exercising any power hereby delegated.

The Schedule.

(Not reproduced. See Gazette of India, 1903, Pt. I, p. 515.)

Criminal law and procedure of British India applicable to British subjects in Native States.

No. **1863-I. A.**, dated the 13th May, 1904.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902, the Governor General in Council is pleased, with effect from the 1st day of June, 1904, to direct that, for the purposes of any power or jurisdiction exercised under that Order, the law relating to offences and to criminal procedure for the time being in force in British India shall, subject as to procedure to such modifications as the Governor General in Council from time to time directs, apply, so far as applicable, to all subjects of His Majesty.

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PART I.

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1. The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the enactments specified in the First Schedule, are hereby applied to the Aden Protectorate, subject, in the case of the Code of Criminal Procedure, 1898 (Act V of 1898), to the modifications specified in the Second Schedule to this part.

2. For the purpose of facilitating the application of the said enactments to the Aden Protectorate, any Court for the Aden Protectorate may construe any provision in any such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

3. No legal practitioner shall be permitted to appear in any case before any Court without the express authority in writing of the Political Resident.

The First Schedule.

Enactments Applied.

Number and year.	Subject.
Act XLV of 1860,	Penal Code.
Act V of 1898,	Criminal Procedure.
Regulation IV of 1901,	Frontier Murderous Outrages.

The Second Schedule.

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Modifications in the Code of Criminal Procedure, 1898 (Act V of 1898).

(a) The Court of Session may take cognisance of any offence as a Court of original jurisdiction without the accused person being com-

mitted to it by a Magistrate and shall, when so taking cognisance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates. 648 671x 692

(b) Save as hereinafter provided, no appeal shall lie from any order of any Sessions Judge.

(c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(d) In cases under Regulation IV of 1901, no sentence of death passed by an Assistant Resident shall be carried out unless and until it is confirmed by the Political Resident. 648 671x 681 692

(e) In cases under other acts, no sentence of death passed by any Court shall be carried out unless and until it is confirmed by the Governor of Bombay.

(f) All sentences of imprisonment passed by an Assistant Resident for a term exceeding one year shall be submitted for confirmation to the Political Resident.

In any case in which an Assistant Resident passes a sentence of imprisonment for a term exceeding six months, an appeal shall be to the Political Resident.

Constitution of Criminal Courts.

No. **368-E.B.**, dated the 1st February, 1907.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following Orders:— 648 671x 693

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PART II.

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For the purposes of the exercise of criminal jurisdiction as regards the Aden Protectorate :—

1. The Political Resident and, with the sanction of the Political Resident in writing, the Assistant Resident for the time being of Aden shall exercise the powers of District Magistrates and Sessions Judges as described in the Code of Criminal Procedure, 1898, and of Deputy Commissioners or Sessions Judges under the Frontier Murderous Outrages Regulation, 1901, as applied by this notification.

2. If in any case in which the complainant (if any) and the accused person or all the accused persons are not British subjects, the Court deems it expedient for political reasons to decline to exercise the power so conferred on it, it shall be in the discretion of the Court to do so.

3. The Political Resident and Assistant Residents for the time being at Aden are hereby appointed to be Justices of the Peace within the Aden Protectorate.

4. The High Court of Judicature at Bombay shall be the Court to which European British subjects charged in Aden with any offence (other than an offence punishable with death) which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for committing him for trial, such European British subject shall be committed to the Court of the Resident, and shall be tried by the Resident.

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IV.—LAWS IN FORCE IN NATIVE STATES IN INDIA.

A.—STATUTES IN FORCE GENERALLY IN ALL NATIVE STATES IN INDIA.

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Year.	Reign.	Chapter.	Subject.	Extent of application.
1772-73.	13 Geo. III.	63	The East India Company Act, 1772.	Section 14 declares that the new Chapter establishing a Supreme Court of Judicature at Calcutta shall extend to all British subjects who shall reside in the Kingdoms or provinces of Bengal, Bihar and Orissa, or any of them, under the protection of the East India Company; and empowers the Court so established to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours or oppressions committed or to be committed; and also to entertain, hear and determine any suits or actions whatsoever against any of His Majesty's subjects in Bengal, Bihar and Orissa, and any suit, action or complaint against any person who shall at the time such debt or cause of action or complaint shall have arisen, have been employed by, or shall have been, directly or indirectly, in the service of the Company, or any of His Majesty's subjects.
1792-93.	33 Geo. III.	52	The East India Company Act, 1793.	Section 67 declares all His Majesty's subjects as well as servants of the said United Company as

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Year.	Reign.	Chapter.	Subject.	Extent of application.
				others, to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India for all acts, injuries, wrongs, oppressions, trespasses, misdemeanours, offences and crimes, whatever by them or any of them done or to be done or committed in any of the lands or territories of any Native Prince or State, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.
1796-97.	37 Geo. III.	142	The East India Company Act, 1797.	Section 10 empowers the Supreme Court established by the new Charter at Madras and Bombay to hear and determine all and all manner of complaints against any of His Majesty's subjects for any crimes, misdemeanours and oppressions committed or to be committed; and also to hear and determine all suits and actions whatsoever against any of His Majesty's subjects arising within any of the dominions of the Native Princes of India in alliance with the Governments of Madras and Bombay, respectively, or against persons who, at the time when such debt or cause of action shall have arisen,

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Year.	Reign.	Chapter.	Subject.	Extent of application.
				have been employed by or shall have been directly or indirectly in the service of the United Company or any of His Majesty's subjects.
1833.	3 & 4 Will. IV.	85.	The Government of India Act, 1833.	Section 73 empowers the Governor General in Council to make Articles of War for the Government of Native officers and soldiers in the Military service of His Majesty, and for the administration of justice by Courts-martial to be holden over such officers and soldiers; such articles to prevail and be in force wheresoever such officers and soldiers may be serving.
1861.	24 & 25 Vict.	67.	Indian Councils Act.	Section 22 empowers the Governor General in Council to make laws and regulations for all servants of the Government of India within the dominions of Princes and States in alliance with His Majesty.
1865.	28 & 29 Vict.	15.	The Indian High Courts Act, 1865.	Section 3 empowers the Governor General in Council to authorise and empower High Courts to exercise jurisdiction in respect of Christian subjects of His Majesty resident within the dominions of such of the Princes and States of India in alliance with His Majesty as he may from time to time determine.
1865.	28 & 29 Vict.	17.	The Government of India Act, 1865.	Section 1 empowers the Governor General in Council to make laws and regulations for all British

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Year.	Reign.	Chapter.	Subject.	Extent of application.
				subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty, whether in the service of the Government of India or otherwise.
1869.	32 & 33 Vict.	98.	The Indian Councils Act, 1869.	Section 1 empowers the Governor General in Council to make laws and regulations for Native Indian subjects of His Majesty without and beyond as well as within the Indian territories under the dominion of His Majesty.
1876.	39 & 40 Vict.	46.	The Slave Trade Act, 1876.	Provides (section 1) for the punishment of offences against slave trade law committed by British subjects and subjects of allied Native States in such places in Asia and Africa as His Majesty may specify by Order; confers (section 3) certain powers on High Courts in India in regard to obtaining evidence in such allied Native States of the commission of such offences, and extends (section 4) the provisions of the Muscat Order in Council, 1867, to the subjects of allied Native States residing in Muscat territories.
1879.	42 & 43 Vict.	41.	The Indian Guaranteed Railways Act, 1879.	Section 1, paragraph 3, and section 2 empower Guaranteed Railway Companies to make agreements with the Secretary of State as to the working of railways, which term is defined as meaning any

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Year.	Reign.	Chapter	Subject.	Extent of application.
				railway constructed before or after the passing of this Act and belonging to the Secretary of State for India in Council or situate in His Majesty's territories in India, or in any territory in the East Indies belonging to any Native Prince or State in alliance with His Majesty or to any European power.
1881.	44 & 45 Vict.	58.	The Army Act (as amended for the time being by subsequent Acts.)	Purports to apply generally to His Majesty's Forces wherever serving, and particularly when serving in India, which term is deemed to mean "British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India". (See section 180 and section 190, clause (21) as amended by the Army (Annual) Act, 1890.)
1884.	47 & 48 Vict.	38.	Indian Marine Service.	Empowers the Governor General in Council to make laws for all persons employed or serving in, or belonging to, His Majesty's Indian Marine Service, provided that no such law shall apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence on the High Seas

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Year.	Reign.	Chapter.	Subject.	Extent of application.
				between the Cape of Good Hope on the west and the Straits of Magellan on the east, or on territorial waters between those limits.
1889.	52 & 53 Vict.	10	Commissioners for Oaths Act.	Section 3 (1) admits of an oath or affidavit required for the purpose of any Court or matter in England, etc., being taken or made in any place out of England, before any person having authority to administer an oath in that place. Section 6 (2) authorises every British Ambassador, Envoy, Minister, Chargè d'Affaires, and Secretary of Embassy or Legation exercising his functions in any foreign country, and every British Consul-General, Acting Consul, Pro-Consul, and Consular Agent exercising his functions in any foreign place, to administer any oath and take any affidavit and also, do any notarial act which any notary public can do in the United Kingdom.
1889.	52 & 53 Vict.	63.	The Interpretation Act, 1889.	Defines the expression "India" as meaning British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty, exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India. (Section 18 (5).)

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Year.	Reign.	Chapter.	Subject.	Extent of application.
1890.	53 & 54 Vict.	37.	The Foreign Jurisdiction Act, 1890.	Provides for the exercise of His Majesty's jurisdiction out of His dominions. Section 15 applies to all subjects of Princes and States in India the provisions of any Orders in Council made in pursuance of the Act and extending to persons enjoying His Majesty's protection.
1893.	56 & 57 Vict.	5.	The Regimental Debts Act, 1893.	Applies (section 25) to India subject to certain modifications and subject to the proviso that it shall not apply, save so far as may be prescribed, to any Native of India within the meaning of Indian Military Law, and (section 30) to all persons subject to Military Law, whether within or without His Majesty's dominions.
1911.	1 & 2 Geo. V.	28.	The Official Secrets Act, 1911.	Applies to all acts which are offences under the Act, when committed in any part of His Majesty's dominions, or when committed by British officers or subjects anywhere. (Section 10 (1).) Any competent British Court in the place where an offence is committed may enquire into and determine such offence. (Section 10 (2).)
1911.	1 & 2 Geo. V.	46.	The Copyright Act, 1911.	Section 28 provides for the extension of the Act by Order in Council to any territory under His Majesty's protection.
1911.	1 & 2 Geo. V.	57.	The Maritime Conventions Act, 1911.	Extends to territories under His Majesty's protection. (Section 9 (1).)

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B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE GENERALLY IN ALL NATIVE STATES IN INDIA, OR CONTAINING SPECIAL PROVISIONS RELATING TO NATIVE STATES.

Year.	No.	Title.	Extent of application.
1860.	XLV.	Indian Penal Code (as amended by Acts XXVII of 1870, XIX of 1872, VIII of 1882, X of 1886, I & IV of 1889, X of 1891, III of 1894, III of 1895, VI of 1896, IV of 1898, III of 1910 and VIII of 1913).	Applies generally to persons liable by any law passed by the Governor General in Council to be tried for an offence committed beyond the limits of British India, and to any Native Indian subject of Her Majesty in any place without and beyond British India, and to any other British subject and to any servant of the King, whether a British subject or not, within the territories of any Native Prince or Chief in India (see sections 3 and 4). Enhanced punishment may be given by Courts in British India for certain offences after previous convictions by British Courts in Native States (see section 75).
1869.	IV.	Indian Divorce Act (as amended by Act X of 1912).	Applies generally to British subjects within the dominions of Princes and States in India in alliance with His Majesty (see section 2).
1869.	XX.	Indian Volunteers Act, 1869 (as amended by Acts X of 1896 and V of 1909).	Applies generally to British subjects within the dominions of Native Princes and States in alliance with His Majesty (see section 2).
1872.	I.	Indian Evidence Act, 1872.	Section 79 declares that every document purporting to be a cer-

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Year.	No.	Title.	Extent of application.
			tificate, etc., which is by law admissible as evidence shall be presumed to be genuine when duly certified by any officer in any Native State in alliance with His Majesty who is duly authorised thereto by the Governor General in Council.
1872.	XV.	Indian Christian Marriage Act, 1872 (as amended by Acts II of 1891, II of 1892, I of 1903 and XIII of 1911).	Applies generally to Christian subjects of His Majesty within the territories of Native Princes and States in alliance with His Majesty (see section 1).
1873.	X.	Indian Oaths Act, 1873.	Applies generally to subjects of His Majesty within the territories of Native Princes and States in alliance with His Majesty (see section 1).
1874.	II.	Administrator General's Act, 1874 (as amended by Acts IX of 1881, II of 1890 and VII of 1901).	Applies generally to British subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty (see section 1).
1874.	III.	Married Women's Property Act, 1874.	Applies generally to subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty (see section 2).
1874.	IX.	European Vagrancy Act, 1874.	Extends generally to the dominions of Princes and States in India in alliance with His Majesty (see section 1).

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Year.	No.	Title.	Extent of application.
1875.	IX.	Indian Majority Act, 1875.	Applies generally to subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty (see section 1).
1880.	VII.	Indian Merchant Shipping Act, 1880.	The provisions of the Act for preventing overloading and improper loading apply to foreign ships when in ports of British India (see section 85).
1884.	VII.	Indian Steamships Act, 1884 (as amended by Acts III of 1890, III of 1902, and I of 1909).	Section 4 prohibits the carriage of more than 12 passengers by a steam-ship not having a certificate from any place in, to any place out of, British India.
1885.	XIII.	Indian Telegraph Act, 1885.	Applies generally to subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty (see section 1).
1886.	II.	Indian Income-tax Act, 1886 (as amended by Act XI of 1903).	Applies generally within the dominions of Princes and States in India in alliance with His Majesty to British subjects in those dominions who are in the service of the Government of India, or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf (see section 1).

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Year.	No.	Title.	Extent of application.
1886.	VI.	Births, Deaths and Marriages Registration Act, 1886 (as amended by Acts XVI of 1890 and IX of 1911).	Applies generally to British subjects in the dominions of Princes and States in India in alliance with His Majesty (see section 2).
1887.	X.	Native Passenger Ships Act, 1887.	Applies generally— (a) to all subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty; (b) to all Native Indian subjects of His Majesty without and beyond British India; and (c) subject to certain exceptions, to vessels carrying more than thirty passengers, being Natives of Asia or Africa; (see section 2).
1887.	XIV.	Indian Marine Act, 1887 (as amended by Acts XVII of 1888 and I of 1899).	Applies generally to persons employed or serving in or belonging to the Indian Marine whose vessels are within the limits of Indian waters, as defined by the Indian Marine Service Act, 1884 (47 & 48 Vict., c. 38).
1888.	VII.	Indian Reserve Forces Act, 1888.	Purports to subject persons belonging to Indian Reserve Forces to military law in the same manner,

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Year.	No.	Title.	Extent of application.
			and to the same extent, as persons belonging to His Majesty's Indian Forces (i.e., when serving in Native States as well as elsewhere, see entries opposite the Army Act (44 & 45 Vict., c. 58), supra, page 8, and Act VIII of 1911, at page 19 infra respectively).
1889.	VII.	Succession Certificate Act, 1889.	Admits as valid succession certificates granted or extended to residents within Foreign States by British representatives accredited thereto, subject to certain conditions (section 17).
1889.	XV.	Indian Official Secrets Act, 1889 (as amended by Act V of 1904).	Applies— (a) to all subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty (see section 1 (2) (a)); and (b) to all Native Indian subjects of His Majesty without and beyond British India (see section 1 (2) (b)).
1890.	I.	Revenue Recovery Act, 1890.	Section 8 provides for the recovery in British India of certain public demands arising in local area beyond British India when this Act has been applied thereto.

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Year.	No.	Title.	Extent of application.
1890.	IX.	Indian Railways Act, 1890 (as amended by Act IX of 1896).	Applies to all subjects of His Majesty within the dominions of Princes and States in India in alliance with His Majesty, and to all Native subjects of His Majesty without and beyond British India and those dominions, see section 1 (2).
1895.	XIV.	Pilgrim Ships Act, 1895.	Applies generally— (a) to all subjects of His Majesty within the dominions of Princes or States in India under the suzerainty of His Majesty; and (b) to all Native Indian subjects of His Majesty without and beyond British India, see section 2 (1).
1897.	X.	General Clauses Act, 1897, as amended by Act I of 1903.	Applies in certain cases to all Acts passed after the 3rd January, 1868, in others to all Acts made after the 14th January, 1887, and in others to all Acts made after the Act came into force and therefore to such Acts when they apply to Native States.
1898.	III.	Lepers Act, 1898, as amended by Act XII of 1903.	Section 19 provides for the reception in leper asylums in British India of lepers from territories of Princes and States in India.

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Year.	No.	Title.	Extent of application.
1898.	V.	Code of Criminal Procedure.	Sections 188 and 189 provide for the trial in British India of European British subjects and of servants of the King committing offences in the territories of Princes or States in India and of Native Indian subjects committing offences anywhere. Chapter XL provides for the issue of commissions for the examination of witnesses residing in the dominions of Princes or States in alliance with His Majesty.
1898.	VI.	Indian Post Office Act, 1898, as amended by Acts II of 1903 and III of 1912.	Applies generally to— (a) all Native Indian subjects of His Majesty in any place without and beyond British India ; (b) all other British subjects within the territories of any Native Prince or Chief in India ; and (c) all servants of the King, whether British subjects or not, within the territories of any Native Prince or Chief in India, see section 1 (2). Provides for the establishment of Post Offices beyond the limits of British India.

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Year.	No.	Title.	Extent of application.
1900.	III.	Prisoners Act, 1900, as amended by Act I of 1903.	Section 15 empowers officers in charge of prisoners outside the Presidency towns to give effect to any sentence or order or warrant for the detention of any person passed or issued— (a) by any Court acting without British India under the authority of His Majesty or of the Governor General in Council, or of a Local Government, or (b) by any Court in the territories of any Prince or State in India— (i) if the presiding Judge or one of the Judges is an officer of the British Government authorized to sit as such Judge by the Prince or State or by the Governor General in Council, and (ii) if the reception, detention or imprisonment in British India of persons sentenced by such Court has been authorised by the Governor General in Council or by the Local Government, or

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Year.	No.	Title.	Extent of application.
			(c) by any other Court in the territories of any Prince or State in India with the previous sanction of the Governor General in Council or the Local Government in each case. Section 18 provides in certain circumstances for the execution in British India of capital sentences passed by British Courts without British India, and directs that the Courts mentioned in section 15 (b) (i) shall be deemed to be British Courts for the purposes of this section.
1903.	XIV.	Indian Foreign Marriage Act, 1903.	Applies— (a) to all British subjects, and (b) to all servants of the King, whether British subjects or not, in the territories of any Prince or State in India, see section 1 (3).
1903.	XV.	Indian Extradition Act, 1903, as amended by Act I of 1913.	Chapter III provides for the surrender of fugitive criminals, including deserters from the Imperial Service Troops, in the case of Native States. Chapter VI provides for the execution of commissions issued by Criminal Courts outside British India.

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Year.	No.	Title.	Extent of application.
1904.	VIII.	Indian Universities Act, 1904.	Section 27 provides for the inclusion of Native States in the territorial limits within which the Indian Universities exercise powers.
1908.	V.	Code of Civil Procedure.	Section 29 provides for the service by Courts in British India of the summons of any Civil or Revenue Court beyond British India which either has been established or continued by the Governor General in Council or has been notified for the concession. Rule 26 of Order V in the First Schedule provides for the service in foreign territory of the summonses of Courts in British India. Section 43 provides for the execution in British India of decrees of Courts in foreign territory established or continued by the Governor General in Council. Section 44 provides for the execution in British India of decrees of Civil or Revenue Courts of Native States. Section 45 provides for the execution of decrees of Courts in British India by Courts established or continued by the Governor General in Council in foreign territory.

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Year.	No.	Title.	Extent of application.
			Section 77 provides for the examination of witnesses residing beyond British India. Section 78 provides for the execution and return of commissions issued by Courts beyond the limits of British India established, or continued by the Governor General in Council. Sections 84 to 87 deal with suits by or against any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise, or any Ambassador or Envoy of a foreign State. Schedule I, Order XXXII, Rule 16, excepts a Sovereign Prince or Ruling Chief suing or being sued in the name of his State by the direction of the Governor General in Council or a Local Government from the provisions of Order XXXII (suits by or against minors or persons of unsound mind).
1908.	VI.	Explosive Substances Act, 1908.	Applies to— (a) all native Indian subjects of His Majesty in any place without and beyond British India; (b) all other British subjects within the territories of any Native Prince or Chief in India. See section 1 (2).

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Year.	No.	Title.	Extent of application.
1908.	IX.	Indian Limitation Act, 1908.	Section 13 provides that the period of absence from territories beyond British India under the administration of the Government shall also be excluded in computing period of limitation.
1908.	XVII.	Indian Emigration Act, 1908, as amended by Act XIV of 1910.	Applies to any native of India who emigrates or has emigrated beyond the limits of India to countries other than Ceylon and the Straits Settlements.
1909.	III.	Presidency-towns Insolvency Act, 1909.	Provides as to acts of insolvency committed out of British India.
1911.	VIII.	Indian Army Act, 1911.	Applies to native officers, soldiers, and followers of His Majesty's Indian Forces wherever serving, including Native States in India. Section 5 also provides for the application of the provisions of the Act, to any force raised or maintained in India under the authority of the Governor General in Council.
1912.	IV.	Indian Lunacy Act, 1912.	Sections 98 and 99 provide for the reception and detention of lunatics in asylums in British India under orders or warrants issued by Courts beyond the limits of British India.

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Year.	No.	Title.	Extent of application.
1912.	VI.	Indian Life Assurance Companies Act, 1912.	Section 19 specifies requirements as to Companies constituted outside British India which establish a place of business or appoint an agent in British India.
1913.	II.	Official Trustees Act, 1913.	Applies (see section 1 (2)) to all British and Indian subjects of His Majesty in the territories of Native States in India, which for the purposes of the Act may be included in a Presidency (section 2 (5)) or province (section 31).
1913.	III.	Administrator General's Act, 1913.	Applies (see section 1 (2)) to all British and Indian subjects of His Majesty in the territories of Native States in India, which for the purposes of the Act may be included in a Presidency (section 2 (9)) or province (section 58).

V. REGULATIONS.

Regulation No. IV of 1901.

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A Regulation to make better provision for the suppression of murderous outrages in certain frontier tracts.

(*Received the assent of the Governor General on the 18th October, 1901*; *and published in the Gazette of India on the 26th idem.*)

WHEREAS it is expedient to make better provision for the suppression of murderous outrages in certain frontier tracts; It is hereby enacted as follows:—

Short title, commencement and extent.

1. (*1*) This Regulation may be called the Frontier Murderous Outrages Regulation, 1901*.

(*2*) Save as otherwise provided by section 6, sub-section (*2*), it extends only to the territories for the time being administered by the Chief Commissioner of British Baluchistan; but the Local Government may, either of its own motion or at the request of the Judicial Commissioner, exempt any local area, or withdraw any case or class of cases, from the operation of all or any of its provisions.

Punishment of fanatic committing, or attemptin to commit, murder.

2. (*1*) Any fanatic who, within the meaning of the Indian Penal Code, commits murder, or does any act with such intention or knowledge, and in such circumstances, that, if he by that act caused death, he would commit murder, shall be punishable with death or with transportation or imprisonment for life, and all his property shall be forfeited to the Government.

XLV of 1860.

(*2*) Notwithstanding anything in section 393 of the Code of Criminal Procedure, 1898, or in any other enactment for the time being in force, where any such fanatic as aforesaid is sentenced to transportation or imprisonment for life, he may also be sentenced to whipping in addition to such transportation or imprisonment.

V of 1898.

* Repealed by Act 12 of 1927.

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Forfeiture of property and disposal of body of fanatic killed in committing offence under section 2.

3. Where any fanatic is killed in the act of committing an offence punishable under section 2, or, having been wounded and arrested in the act of committing any such offence, afterwards dies of his wounds, the Court which, under the provisions of section 4, would have had cognizance of the offence if the offender could have been brought to trial, may proceed to hold an inquest into the circumstances of the death of the fanatic, and, on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, may adjudge that all his property shall be forfeited to the Government, and may dispose of his body as it may think fit.

Court before which offences punishable under section 2 to be tried.

4. (*1*) Any offence punishable under section 2 shall be tried by the Sessions Judge or Deputy Commissioner of the district in which it was committed:

Provided that the jurisdiction so conferred on the Sessions Judge or Deputy Commissioner may be exercised by any Magistrate of the first class whom the Local Government, or the Sessions Judge or Deputy Commissioner to whom such Magistrate is subordinate, may, after the commission of an offence punishable under section 2, specially invest with such jurisdiction for the purpose of trying such offence.

(*2*) In every trial held under this Regulation the Court shall follow the procedure for the trial of warrant-cases by Magistrates prescribed by Chapter XXI of the Code of Criminal Procedure, 1898: V of 1898.

Provided that, where the Court is of opinion that any witness or evidence is offered for the purpose of vexation or delay or of defeating the ends of justice, it may require the accused person to satisfy it that there are reasonable grounds for believing that such witness or evidence is material, and, where the Court is not so satisfied, it shall not be bound to summon the witness or examine the evidence so offered.

Trial to be with aid of assessors.

5. (*1*) Every trial held under this Regulation shall be conducted with the aid of two or more assessors as members of the Court.

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(2) The Court may appoint such persons, other than persons specified in section 278 of the Code of Criminal Procedure, 1898, at such time, and in such manner, as it may think fit, to serve as assessors, and no persons shall be exempt, within the meaning of section 320 of the said Code, from liability to serve as such assessors.

V of 1898.

(3) The provisions of the said Code shall, save as aforesaid, apply to assessors appointed under this section.

Contents of judgment and execution of sentence.

6. (1) When any trial held under this Regulation is concluded, if the accused person is convicted, it shall be sufficient if the Court, in passing judgment and recording the finding and sentence, specifies the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the prison in which the prisoner is confined, or to which the Court has, by its judgment or by a subsequent order, directed him to be transferred for this purpose, to cause the sentence to be carried into execution, and the sentence shall be carried into execution accordingly:

Provided that, where a sentence of death is passed, the Court may, from time to time, if it seems to it that the public interest so requires, extend the date fixed for the execution of the sentence, and the execution shall be postponed accordingly.

(2) The Court may, under sub-section (1), direct a prisoner to be transferred for the execution of a sentence passed upon him under this Regulation to any prison in British India, whether in the territories for the time being administered by the Chief Commissioner of British Baluchistan or not; and nothing in the Prisoners Act, 1900, or in any other enactment for the time being in force, shall be deemed to preclude the officer in charge of such prison from carrying such sentence into execution.

III of 1900.

(3) Notwithstanding anything in the Code of Criminal Procedure, 1898, or in any other enactment for the time being in force, no sentence of death passed under this Regulation shall require confirmation by any Court.

V of 1898.

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Disposal of body of offender on execution of sentence of death passed under section 2.

7. When a sentence of death passed under section 2 has been carried into execution, the body of the offender shall be disposed of as the Court by which he was sentenced, shall direct.

Proceedings to be reported to Local Government.

8. The proceedings in every trial held under this Regulation shall, without unnecessary delay, be reported by the Court to the Local Government.

No appeal from order or sentence under Regulation.

9. Notwithstanding anything in the Code of Criminal Procedure, 1898, or in any other enactment for the time being in force, no appeal shall lie from any order made or sentence passed under this Regulation. V of 1898

Procedure where offence charged is not punishable under section 2.

10. Where the Court is of opinion that a person charged with an offence punishable under section 2 is not so punishable, but has committed an offence punishable under the Indian Penal Code, the accused person shall be dealt with in manner provided in such case by the Code of Criminal Procedure, 1898. XLV of 1860. V of 1898.

Power for Local Government to confine person charged with, or suspected of, offence punishable under section 2.

11. The Local Government shall have, with respect to the confinement of any person charged with, or suspected of an intention to commit, or abet the commission of, an offence punishable under section 2, the powers vested in the Governor General in Council by any law for the time being in force regarding the confinement of persons charged with, or suspected of, State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable in every case in which the Local Government proceeds under the authority of this section.

Detention of persons in anticipation of proceedings under section 11.

12. Any Magistrate of the first class may cause any person against whom there are, in his opinion, grounds for proceeding under section 11, to be arrested, and may, after such inquiry as he may think necessary, detain such person in safe custody until he has received the orders of the Local Government, to which he shall in every such case, without unnecessary delay, report his proceedings.

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13. (*1*) Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person against whom credible information has been received, or a reasonable suspicion exists, that he is a person who intends to commit, or abet the commission of, an offence punishable under section 2, or who habitually protects or harbours fanatics committing such offences, or who orally or in writing counsels, or by approval encourages, the commission of such offences.

Arrest, etc., of persons suspected of intending to commit, or of habitually conniving at commission of, offences punishable under section 2.

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(*2*) Any such person as aforesaid shall be deemed, within the meaning of clause (*f*) of section 110 of the Code of Criminal Procedure, 1898, to be so desperate and dangerous as to render his being at large without security hazardous to the community, and the provisions of Chapter VIII and of sections 406, 514 and 515 of the said Code shall apply to him, except in so far as is otherwise provided in this Regulation.

V of 1898.

(*3*) Where a Magistrate makes in respect of such person as aforesaid an order in writing as prescribed by section 118 of the said Code, he may direct such person, during the whole or part of the period of the bond,—

(*a*) to reside beyond the limits of the territories to which this Regulation extends, or at such place within the said limits as may be specified in the order; and,

(*b*) if he is so directed to reside within the said limits, to notify his residence and every change of residence to such authority as may be specified in the order.

(*4*) Whoever, being bound over to be of good behaviour under this section, commits a breach of any direction under sub-section (*3*), shall be deemed to have forfeited his bond, and shall, in addition to any term of rigorous imprisonment to which he may be liable for breach of the conditions of his bond, be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

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(5) Every order made under this section shall be at once reported to the Local Government, and the Local Government may revise any such order.

Further preventive and punitive measures.

14. (1) Where a fanatic has committed an offence punishable under section 2, the Court may, on the recommendation of a Council of Elders or after such inquiry as it may think necessary, take any of the following measures against any community, section of a community or individual with whom such fanatic is or has been associated in circumstances which satisfy the Court that, by reasonable prudence or diligence on the part of such community, section of a community or individual, the commission or attempted commission of such offence might have been prevented, namely :—

(a) it may impose a fine on such community, section of a community or individual and recover the same as if it were an arrear of land-revenue ; or

(b) it may direct that such community, section of a community or individual shall forfeit, in whole or in part and for a term or in perpetuity, any assignment or remission of land-revenue or allowance payable out of public funds of which it or he may be in enjoyment.

(2) No order made under this section shall take effect until it has been confirmed by the Local Government.

(3) Nothing in this section shall affect the powers of the Local Government with respect to the grant, continuance or forfeiture, in whole or in part, of any assignment or remission of land-revenue or of any allowance payable out of public funds.

Explanation.—In sub-section (1), the expression "Council of Elders" means a Council of three or more persons convened according to the Pathan, Biluch or other usage, as the Court may in each case direct.

Power for Local Government to issue circular orders.

15. The Local Government may, by notification in the official Gazette, make and issue circular orders for the guidance of officers in carrying out the purposes and objects of this Regulation; and every circular order so made and issued shall have effect as if enacted in this Regulation.

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Regulation No. III of 1910.

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A Regulation to amend the law relating to restrictions on the sea-traffic in arms, ammunition, military stores and explosives between Aden and places in the Gulf of Aden.

Whereas it is expedient to amend the law relating to restrictions on the sea-traffic in arms, ammunition, military stores and explosives between Aden and places in the Gulf of Aden; It is hereby enacted as follows:—

1. This Regulation may be called the Aden Arms (Sea-traffic) Regulation, 1910. Short title.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Resident" means the Political Resident at Aden; and

(b) all words and expressions defined in the Indian Arms Act, 1878, or the Indian Explosives Act, 1884, and used in this Regulation shall be deemed to have the meanings respectively assigned to them by those Acts.

XI of 1878. IV of 1884.

3. No vessel shall depart or proceed from Aden on a voyage to any place in the Gulf of Aden without obtaining a port-clearance from such officer as the Resident may appoint in this behalf. Vessels not to leave Aden without port-clearance.

4. Subject to the control of the Governor of Bombay in Council, the Resident may from time to time prepare and publish a list of selected ports in the Gulf of Aden and declare that the master of any vessel arriving in Aden from any such selected port must produce a port-clearance, granted by the proper authority at such port, authorising the vessel to depart or proceed from such port direct to Aden. Power to require production of port-clearance for vessels arriving at Aden from selected ports.

5. Subject to the control of the Governor of Bombay in Council, the Resident may from time to time, by published order, declare that any port included in a list published under section 4 shall be deemed to be a "pres- Power to declare any of such ports to be "prescribed ports".

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cribed port" for the purposes of this Regulation, in respect of any specified portion of the coast-line of the Gulf of Aden.

Power to prohibit grant of port-clearance at Aden for voyages to other than prescribed ports.

6. (1) When any port has been declared under section 5 to be a prescribed port in respect of any portion of the coast-line of the Gulf of Aden, the Resident may, subject to the control of the Governor of Bombay in Council, prohibit the grant of port-clearance at Aden for voyages to any port on such portion of the coast-line other than a prescribed port.

(2) When port-clearance is granted for a voyage to a prescribed port, it shall only authorise the vessel to depart or proceed from Aden direct to such port.

Penalties for leaving Aden without port-clearance or touching at place on way to prescribed port.

7. If any vessel—

(a) departs or proceeds from Aden on a voyage to any place in the Gulf of Aden without obtaining a port-clearance as required by section 3, or,

(b) in the case of a voyage to a prescribed port, after leaving Aden and before arriving at the prescribed port, touches at any other place otherwise than by reason of the perils of the sea or other unavoidable accident,

the master and the owner shall, on conviction before a Magistrate, be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalties for unlawfully carrying arms, ammunition, military stores or explosives.

8. If any vessel has, within a period of one year immediately before the institution of a prosecution under this section in respect of the vessel, carried arms, ammunition, military stores or explosives between any places in the Gulf of Aden without, or in contravention of the terms of,—

(a) a license granted at Aden by such officer as the Resident may appoint in this behalf, or

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(b) a pass granted elsewhere by a public official whose designation is included in a list to be prepared and published from time to time by the Resident subject to the control of the Governor of Bombay in Council,

the master and the owner shall, on conviction before a Magistrate, be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three years, or with both.

Penalties for arriving in Aden without port-clearance or touching at place on way from prescribed port.

9. If any vessel arrives in Aden from any port mentioned in a list published under section 4,—

(a) without having a port-clearance granted by the proper authority at such port, or

(b) having touched after leaving any such port and before arriving in Aden, at any other place otherwise than by reason of the perils of the sea or other unavoidable accident,

the master and the owner shall, on conviction before a Magistrate, be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Detention, realization and confiscation.

10. (1) Where the owner or master of a vessel is charged with any offence punishable under section 7, section 8 or section 9, the Resident may, by order in writing, direct such vessel to be detained, and where such owner or master is sentenced to pay a fine for any such offence, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Court may, in addition to any other means prescribed by law for enforcing payment, direct that the amount remaining unpaid be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as may be necessary.

(2) Where the owner or master is convicted of any offence punishable under section 8, the Resident may further, by order in writing, direct that the vessel be confiscated.

Searching-posts.

11. The Resident, with the previous sanction of the Governor of Bombay in Council, may, on or near such pub-

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lic or private wharves or other landing-places as he may deem expedient, establish searching-posts at which all boxes, bales and packages landed or in transit may be detained and searched for arms, ammunition, military stores and explosives by any officer appointed by the Resident in this behalf.

Power for Resident to make rules.

12. (1) Subject to the control of the Governor of Bombay in Council, the Resident may make rules to provide for all or any of the following matters, namely:—

(a) prohibiting the master or owner of a native vessel trading from and to Aden to and from ports in the British Protectorates of Aden and Somaliland from carrying any arms on such vessel, except under a license and in the manner and to the extent permitted by such license;

(b) determining the officers by whom, the form in which, and the terms and conditions on and subject to which, any such license shall be granted; and

(c) generally, the carrying out of the purposes and objects of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, the rules under clause (b) of sub-section (1) may—

(a) fix the fee to be charged for any such license;

(b) limit the time during which any such license is to continue in force;

(c) provide for the renewal of any such license, and its cancellation or suspension in the case of any breach of the terms and conditions on and subject to which it is granted;

(d) provide for ascertaining the quantity and description of any arms on board any native vessel;

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(e) provide for the marking for the purpose of identification, and the registering, of any arms covered by any such license;

(f) require the person holding or acting under any such license to produce the same, and to produce or account for the arms covered by the same when called upon by an officer of Government so to do; and

(g) provide for the deposit and custody on shore of any arms covered by any such license, while the vessel is in port.

(3) In making any rule under this section, the Resident may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both.

(4) All rules under this section shall be published locally in such manner as the Resident, subject to the control of the Governor of Bombay in Council, may direct.

Explanation.—For the purposes of this section, "native vessel" means a vessel fulfilling one of the two following conditions, namely :—

(a) it must present the outward appearance of native build or rig; or

(b) it must be manned by a crew of whom the master and the majority of the seamen belong by origin to a country having a sea-coast on the Indian Ocean, the Red Sea or the Persian Gulf.

Exemption.

13. Subject to the control of the Governor of Bombay in Council, the Resident may declare that all or any of the provisions of this Regulation shall not apply in the case of any vessel or class of vessels, and may from time to time alter or vary any such declaration.

Repeal.

III of 1902.

14. The Aden Sea-traffic in Arms Regulation, 1902, is hereby repealed.

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VI.—Orders under Acts of the Governor General in Council.

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No. **1431-I,** dated 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory; and whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death, or no suitable appliances for his execution in a decent and humane manner; **Execution of capital sentences in British India.**

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such Superintendent or Keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this notification shall be in the form set forth in the schedule hereto annexed.

Schedule.

Form of Warrant.

To

The Superintendent or Keeper of the jail at
in British India.

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And whereas there is in (name of territory) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

This is to authorize and require you, the said Superintendent (or Keeper), being a Superintendent (or Keeper) of a jail specified in an order under section 2 of Act No. V of 1893, passed by the Governor General of India in Council, to receive the said C.D. (prisoner's name) into your custody in the said jail together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C.D. (prisoner's name) to be hanged by the neck until he be dead, at (time and place of execution), and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 189 .

Seal.

(Signature)

In Bombay.

No. **4220,** dated the 3rd July, 1895.—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, No. 1431-I., dated the 27th April, 1893, the Governor General in Council has been pleased, by letter No. 3080-I., dated 2nd September, 1893, to authorise the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid.

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Now the Governor in Council is pleased, in pursuance of the said authorisation—

(a) to direct that the jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid; and

(b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

TABLE.

From the Court of the	To the Prison at
Political Resident, Aden,	Aden.
• •	• •
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Prohibition of import into Aden of certain goods not covered by export passes.

No. **4902-62**, dated the 7th June, 1907.—In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or land into Aden of any Goods specified in the annexed schedule, except such as are imported under cover of an export pass note issued in respect of them by an officer of customs at the place of export.

SCHEDULE.

1. Ostrich eggs.

2. Heads, horns, skins, feathers, or flesh of any of the undermentioned animals :—

(1) Zebra,
(2) Giraffe,
(3) Eland,
(4) White-tailed gnu,
(5) Wild ass,
(6) Buffalo,
(7) Elephant,
(8) Vulture,
(9) Secretary bird,
(10) Owl,
(11) Rhinoceros-bird or beef-eater (Buphaga), any species.
(12) X X
(13) Rhinoceros,
(14) All antelopes and gazelles,
(15) Cheeta (Cynoclurus),
(16) Aard-wolf,
(17) Smaller monkeys of each species,
(18) Morabous,
(19) Egret,
(20) Wild pig,
(21) Smaller cats,
(22) Wart hog (Phacocharus).
(23) Greater Bustard.

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[For British laws affecting the Aden Protectorate see category 116, entire source.]